

A0000506-01-DRK

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : MARIA CHOVET, ET AL.

EXAMINER : S. A. JIANG

SERIAL NO : 10/056,298

ART UNIT : 1617

FILED : JANUARY 25, 2002

PAPER NO : 7

FOR : METHOD FOR PREVENTING AND TREATING VISCERAL PAIN AND
GASTROINTESTINAL DISORDERS

RESPONSE TO RESTRICTION REQUIREMENT

April 9, 2003

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated March 12, 2003.

Restriction to one of the following inventions was required under 35 U.S.C. §121:

- I. Claims 1, 5 and 10 drawn to a method for the prevention or treatment of visceral pain administering a compound of structural formula I-IV, classified in class 514, subclass 561, 553, and 557 for example.
- II. Claims 2 and 6 drawn to a method for preventing or treating gastrointestinal disorders administering a compound of structural formula I-IV, classified in class 514, subclass 561, 553, and 557 for example.
- III. Claims 11-14 drawn to a pharmaceutical preparation employing a compound of structural formula I-IV, classified in class 514, subclass 561, 553, and 557 for example.

Applicants provisionally elect invention II, Claims 2 and 6 for prosecution purposes, with traverse. Additionally, Applicants hereby provisionally elect the species of formula I for

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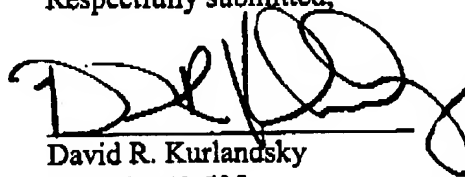
prosecution purposes. A specific compound which falls within this election is set forth in Claim 5.

Applicants traverse the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. All of the groups of claims relate to the use of compounds of formulas I-IV and, moreover, are all classified in the same class and subclasses. Since there is a great amount of cross-classification, it is respectfully submitted that examination of all of the claims in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction requirement practice. Hence, it is respectfully submitted that the restriction should not be required and that Applicants have traversed the restriction requirement. However, as stated above, Applicants have provisionally elected the claims of invention II for the purposes of expediting prosecution.

Claims 2-4 and 6-10 are all readable upon the elected species.

The application is now in condition for allowance, which allowance is respectfully solicited.

Respectfully submitted,



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